

CLOSED,TYPE I-FOIA

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:12-cv-01342-JEB**

CAUSE OF ACTION v. NATIONAL ARCHIVES AND  
RECORDS ADMINISTRATION  
Assigned to: Judge James E. Boasberg  
Cause: 05:552 Freedom of Information Act

Date Filed: 08/14/2012  
Date Terminated: 03/01/2013  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: Federal Question

**Plaintiff****CAUSE OF ACTION**

represented by **Daniel Zachary Epstein**  
CAUSE OF ACTION  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Karen Marie Groen**  
CHIEF OVERSIGHT COUNSEL  
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Email: [karen.groen.olea@causeofaction.org](mailto:karen.groen.olea@causeofaction.org)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****NATIONAL ARCHIVES AND  
RECORDS ADMINISTRATION**

represented by **Daniel Schwei**  
U.S. DEPARTMENT OF JUSTICE  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue, NW  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

| Date Filed | #        | Docket Text   |
|------------|----------|---|
| 08/14/2012 | <u>1</u> | COMPLAINT against NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ( Filing fee \$ 350 receipt number 0090-3036720) filed by CAUSE OF ACTION. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Supplement Corporate Disclosure Certification, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit)(Groen, Karen) (Entered: 08/14/2012) |
| 08/14/2012 |          | Case Assigned to Judge James E. Boasberg. (sth, ) (Entered: 08/15/2012)   |
| 08/15/2012 | <u>2</u> | ELECTRONIC SUMMONS (3) Issued as to NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(sth, ) (Entered: 08/15/2012)  |

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|            |           | 08/15/2012)  |
| 08/24/2012 | <u>3</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/20/2012. Answer due for ALL FEDERAL DEFENDANTS by 9/19/2012. (Groen, Karen) (Entered: 08/24/2012)   |
| 08/24/2012 | <u>4</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 8/20/2012. (Groen, Karen) (Entered: 08/24/2012)   |
| 08/24/2012 | <u>5</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION served on 8/20/2012 (Groen, Karen) (Entered: 08/24/2012)   |
| 09/17/2012 | <u>6</u>  | NOTICE of Appearance by Daniel Schwei on behalf of NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Schwei, Daniel) (Entered: 09/17/2012)   |
| 09/18/2012 | <u>7</u>  | Consent MOTION for Extension of Time to <i>Respond to Complaint</i> by NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Schwei, Daniel) (Entered: 09/18/2012)   |
| 09/18/2012 |           | MINUTE ORDER granting <u>7</u> Consent Motion for Extension of Time to Respond to Complaint. Defendants shall Answer or otherwise respond to the Complaint on or before October 31, 2012. Signed by Judge James E. Boasberg on 9/18/2012. (lcjeb3) Modified event title on 9/20/2012 (znmw, ). (Entered: 09/18/2012)   |
| 09/19/2012 |           | Set/Reset Deadlines: Defendants shall Answer or otherwise respond to the Complaint on or before 10/31/2012. (ad) (Entered: 09/19/2012)   |
| 10/31/2012 | <u>8</u>  | MOTION to Dismiss <i>or in the Alternative for Summary Judgment</i> by NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order, # <u>3</u> Declaration of Thomas E. Mills, # <u>4</u> Declaration of Robert Matthew Fulgham, Jr.)(Schwei, Daniel). Added MOTION for Summary Judgment on 11/1/2012 (td, ). (Entered: 10/31/2012)   |
| 11/01/2012 | <u>9</u>  | NOTICE of Change of Address by Karen Marie Groen (Groen, Karen) (Entered: 11/01/2012)  |
| 11/15/2012 | <u>10</u> | Unopposed MOTION for Extension of Time to <i>Amend Briefing Schedule</i> by CAUSE OF ACTION (Attachments: # <u>1</u> Text of Proposed Order)(Groen, Karen) (Entered: 11/15/2012)   |
| 11/15/2012 |           | MINUTE ORDER granting <u>10</u> Motion to Modify Briefing Schedule. Plaintiff's Opposition will now be due December 19, 2012, with Defendant's reply due January 11, 2013. Signed by Judge James E. Boasberg on 11/15/12. (lcjeb3) (Entered: 11/15/2012)   |
| 11/16/2012 |           | Set/Reset Deadlines: Plaintiff's Opposition will now be due 12/19/2012, with Defendant's reply due 1/11/2013. (ad) (Entered: 11/16/2012)   |
| 12/19/2012 | <u>11</u> | Memorandum in opposition to re <u>8</u> MOTION to Dismiss <i>or in the Alternative for Summary Judgment</i> MOTION for Summary Judgment filed by CAUSE OF ACTION. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10_Epstein Declaration, # <u>11</u> Exhibit 11_Wallison Declaration, # <u>12</u> Text of Proposed Order)(Groen, Karen) (Entered: 12/19/2012) |
| 12/19/2012 | <u>12</u> | MOTION to Strike <u>8</u> MOTION to Dismiss <i>or in the Alternative for Summary Judgment</i> MOTION for Summary Judgment by CAUSE OF ACTION (Attachments: # <u>1</u> Text of Proposed Order)(Groen, Karen) (Entered: 12/19/2012)  |
| 12/19/2012 | <u>13</u> | MOTION for Summary Judgment by CAUSE OF ACTION; (See docket entry no. <u>11</u> to view document) (td, ) (Entered: 12/20/2012)   |
| 12/20/2012 |           | MINUTE ORDER: The Court hereby ORDERS that Plaintiff's Motion to Strike is DENIED WITHOUT PREJUDICE for failure to comply with LCvR 7(m). Signed by Judge James E. Boasberg on 12/20/2012. (lcjeb3) (Entered: 12/20/2012)  |

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| 12/20/2012 | <u>14</u> | MOTION to Strike <u>8</u> MOTION to Dismiss <i>or in the Alternative for Summary Judgment</i> MOTION for Summary Judgment ( <i>Corrected</i> ) by CAUSE OF ACTION (Attachments: # <u>1</u> Text of Proposed Order)(Groen, Karen) (Entered: 12/20/2012)  |
| 01/07/2013 | <u>15</u> | Memorandum in opposition to re <u>14</u> MOTION to Strike <u>8</u> MOTION to Dismiss <i>or in the Alternative for Summary Judgment</i> MOTION for Summary Judgment ( <i>Corrected</i> ) filed by NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. (Schwei, Daniel) (Entered: 01/07/2013)   |
| 01/11/2013 | <u>16</u> | REPLY to opposition to motion re <u>8</u> MOTION to Dismiss <i>or in the Alternative for Summary Judgment</i> MOTION for Summary Judgment filed by NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Supplement to Fulgham Declaration)(Schwei, Daniel) (Entered: 01/11/2013) |
| 01/11/2013 | <u>17</u> | Memorandum in opposition to re 13 MOTION for Summary Judgment filed by NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Supplement to Fulgham Declaration)(Schwei, Daniel) (Entered: 01/11/2013)   |
| 01/14/2013 | <u>18</u> | REPLY to opposition to motion re <u>14</u> MOTION to Strike <u>8</u> MOTION to Dismiss <i>or in the Alternative for Summary Judgment</i> MOTION for Summary Judgment ( <i>Corrected</i> ) filed by CAUSE OF ACTION. (Groen, Karen) (Entered: 01/14/2013)  |
| 01/22/2013 | <u>19</u> | REPLY to opposition to motion re 13 MOTION for Summary Judgment filed by CAUSE OF ACTION. (Epstein, Daniel) (Entered: 01/22/2013)   |
| 03/01/2013 | <u>20</u> | ORDER: Defendant's <u>8</u> Motion to Dismiss is GRANTED; Plaintiff's 13 Cross-Motion for Summary Judgment is DENIED; Plaintiff's <u>14</u> Motion to Strike is DENIED AS MOOT; and the case is DISMISSED WITH PREJUDICE. Signed by Judge James E. Boasberg on 3/1/13. (lcjeb4) (Entered: 03/01/2013)                             |
| 03/01/2013 | <u>21</u> | MEMORANDUM OPINION to <u>20</u> Order. Signed by Judge James E. Boasberg on 3/1/13. (lcjeb4) (Entered: 03/01/2013)  |